

UNITED STATES BANKRUPTCY COURT
District of New Jersey

IN RE: **Maria Vilmar Batista**Case No.: 16-12529Judge: RG

Debtor(s)

Chapter: 13

CHAPTER 13 PLAN AND MOTIONS - AMENDED

☐ Original☒ Modified/Notice Required☒ Discharge Sought☒ Motions Included☐ Modified/No Notice Required☐ No Discharge SoughtDate: July 2017

THE DEBTOR HAS FILED FOR RELIEF UNDER
 CHAPTER 13 OF THE BANKRUPTCY CODE.

YOUR RIGHTS WILL BE AFFECTED.

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the Notice. **This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice.**

**YOU SHOULD FILE A PROOF OF CLAIM BY THE DEADLINE STATED
 IN THE NOTICE TO RECEIVE DISTRIBUTIONS UNDER ANY PLAN
 THAT MAY BE CONFIRMED, EVEN IF THE PLAN REFERS TO YOUR CLAIM**

Part 1: Payment and Length of Plan

a. The Debtor shall pay 1,379.55 Monthly* to the Chapter 13 Trustee, starting on March 1, 2016 for approximately 60 months.

b. The Debtor shall make plan payments to the Trustee from the following sources:

☒ Future Earnings

☐ Other sources of funding (describe source, amount and date when funds are available):

c. Use of real property to satisfy plan obligations:

☐ Sale of real property

Description:

Proposed date for completion: _____

☐ Refinance of real property

Description:

Proposed date for completion: _____

☐ Loan modification with respect to mortgage encumbering property

Description:

Proposed date for completion: _____

d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

e. ☐ Other information that may be important relating to the payment and length of plan:

Part 2: Adequate Protection

a. Adequate protection payments will be made in the amount of \$_____ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to _____ (creditor).

b. Adequate protection payments will be made in the amount of \$_____ to be paid directly by the debtor(s) outside of the Plan, pre-confirmation to _____ (creditor).

Part 3: Priority Claims (Including Administrative Expenses)

All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
Michael G. Boyd	Attorney Fees	1,500.00
Internal Revenue Service	Taxes and certain other debts	10,327.08

Part 4: Secured Claims

a. Curing Default and Maintaining Payments

The Debtor shall pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the Debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
Chase (Select Portfolio)	451 Lawton Avenue Cliffside Park, NJ 07010 Bergen County Rental property	18,272.53	0.00	18,272.53	2,580.73
Select Portfolio Servicing	222 Lafayette Avenue Unit B Cliffside Park, NJ 07010 Bergen County House - 222 Lafayette Avenue, Unit B, Cliffside Park, NJ 07010	65,322.93	0.00	65,322.93	2,431.00

b. Modification

1.) The Debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

NOTE: A modification under this section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to Be Paid
Specialized Loan Servicing LLC	222 Lafayette Avenue Unit B Cliffside Park, NJ 07010 Bergen County House - 222 Lafayette Avenue, Unit B, Cliffside Park, NJ 07010	137,020.98	575,000.00	Agreement Select Portfolio Servicing - 628,639.00	No value	N/A	0.00

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

c. Surrender

Upon confirmation, the stay is terminated as to surrendered collateral. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt
-NONE-			

d. Secured Claims Unaffected by the Plan

The following secured claims are unaffected by the Plan:

Creditor
-NONE-

e. Secured Claims to be paid in full through the Plan

Creditor	Collateral	Total Amount to be Paid through the Plan
-NONE-		

Part 5: Unsecured Claims

a. **Not separately classified** Allowed non-priority unsecured claims shall be paid:

____ Not less than \$ ____ to be distributed *pro rata*

 X Not less than 5 percent

____ *Pro Rata* distribution from any remaining funds

b. **Separately Classified Unsecured Claims** shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid
-NONE-			

Part 6: Executory Contracts and Unexpired Leases

All executory contracts and unexpired leases are rejected, except the following, which are assumed:

Creditor	Nature of Contract or Lease	Treatment by Debtor
-NONE-		

Part 7: Motions

NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, Notice of Chapter 13 Plan Transmittal, within the time and in the manner set forth in D.N.J. LBR 3015-1. A Certification of Service must be filed with the Clerk of Court when the plan and transmittal notice are served.

a. **Motion to Avoid Liens under 11 U.S.C. Section 522(f).**

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided
-NONE-							

b. **Motion to Avoid Liens and Reclassify Claim from Secured to Completely Unsecured.**

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount of Lien to be Reclassified
Specialized Loan Servicing LLC	222 Lafayette Avenue Unit B Cliffside Park, NJ 07010 Bergen County House - 222 Lafayette Avenue, Unit B, Cliffside Park, NJ 07010	137,020.98

c. **Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured.**

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured
-NONE-			

Part 8: Other Plan Provisions

a. Vesting of Property of the Estate

- ☒ Upon Confirmation
☐ Upon Discharge

b. Payment Notices

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution

The Trustee shall pay allowed claims in the following order:

- 1) Trustee Commissions
- 2) Other Administrative Claims
- 3) Secured Claims
- 4) Lease Arrearages
- 5) Priority Claims
- 6) General Unsecured Claims

d. Post-petition claims

The Trustee ☒ is, ☐ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

e. Other Provisions:

*This plan is a step plan or has lumpsum payments as follows: \$1,379.55 per month for 18 months, then \$2,200.00 per month for 42 months

Part 9: Modification

If this plan modifies a plan previously filed in this case, complete the information below.

Date of Plan being modified: _____

Explain below **why** the Plan is being modified.

Explain below **how** the Plan is being modified

Are Schedules I and J being filed simultaneously with this modified Plan? ☐ Yes ☒ No

Part 10: Sign Here

The debtor(s) and the attorney for the debtor (if any) must sign this Plan.

Date

7/14/17

Michael G. Boyd
Attorney for the Debtor

I certify under penalty of perjury that the foregoing is true and correct.

Date:

07-10-2017

Certificate of Notice Page 6 of 7
 United States Bankruptcy Court
 District of New Jersey

In re:
 Maria Vilmar Batista
 Debtor

Case No. 16-12529-RG
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-2

User: admin
 Form ID: pdf901

Page 1 of 2
 Total Noticed: 47

Date Rcvd: Jul 12, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jul 14, 2017.

db
 515995643 +Maria Vilmar Batista, 222 Lafayette Avenue, Unit B, Cliffside Park, NJ 07010-2506
 ++ALLIED INTERNATIONAL CREDIT CORP US, 6800 PARAGON PLACE, SUITE 400,
 RICHMOND VA 23230-1654
 (address filed with court: Allied International Credit Corp, 6800 Paragon Place, Suite 400,
 Richmond, VA 23230)
 515995644 +Allied Interstate LLC, 7525 West Campus Rd, New Albany OH 43054-1121
 515995645 +Ambulatory Center Endoscopy, c/o Daivd B. Watner, 1129 Bloomfield Avenue, Suite 208,
 Caldwell, NJ 07006-7123
 515995647 ++BANK OF AMERICA, PO BOX 982238, EL PASO TX 79998-2238
 (address filed with court: Bank of America, Credit Cards, PO Box 982235,
 El Paso, TX 79998)
 515995646 +Bank of America, Attn: Bankruptcy Department, 475 Cross Point Pkwy, PO Box 9000,
 Getzville, NY 14068-9000
 515995648 +Best Buy/CBNA, PO Box 6497, Sioux Falls, SD 57117-6497
 515995649 +Cach of NJ, LLC, c/o Fein Such Kahn & Shepard, 7 Century Drive, Parsippany, NJ 07054-4603
 515995650 +Capital One, PO Box 30285, Salt Lake City, UT 84130-0285
 515995651 +Chase, PO Box 183166, Columbus, OH 43218-3166
 515995652 +Companion Group Inc., Attention: President, 211 Dawson Road, Columbia, SC 29223
 515995654 +Companion Property and Casualty, Attention: President, PO Box 100165,
 Columbia, SC 29202-3165
 515995655 +Convergent Outsourcing, Inc, 800 SW 39th St, Renton WA 98057-4975
 515995656 #+Debt Recovery Solutions, 900 Merchants Councourse 106, Westbury, NY 11590-5114
 515995657 +DirecTV, 1091 521 Corporate Center Drive, Indian Lan, SC 29707-7151
 515995659 +Executive Physician System, 4510 16th Avenue, Brooklyn, NY 11204-1101
 515995660 +FBCS, 2200 Byberry Road, Suite 120, Hatboro, PA 19040-3739
 515995662 +FDNY/EMS, 500 Bi-County Boulecard, Suite 150T, Farmingdale, NY 11735-3997
 515995663 +First National Collection Bureau, Inc, 610 Waltham Way, Sparks, NV 89434-6695
 515995664 +Frenkel Lambert Weiss Weisman & Gordon, 80 Main Street, Suite 460,
 West Orange, NJ 07052-5414
 515995666 +Internal Revenue Service, PO Box 7436, Philadelphia, PA 19101-7436
 515995667 +Macys, PO Box 183083, Columbus, OH 43218-3083
 515995668 +Maimonides Medical Center, 4802 Tenth Avenue, Brooklyn, NY 11219-2999
 515995669 +Mercedes Benz Financial Services, P.O. Box 77860, Fort Worth, TX 76177-0860
 515995670 +New York City Department of Fianance, Church Street Station, P.O. Box 3615,
 New York, NY 10008-3615
 516117490 +Porania LLC, P. O. Box 11405, Memphis TN 38111-0405
 515995671 +Roosevelt Hospital, P.O. Box 3472, New York, NY 10008-3472
 515995672 +Select Loan Servicing LLC, PO Box 636005, Littleton, CO 80163-6005
 515995673 +Select Portfolio Servicing, P.O. Box 65250, Salt Lake City, UT 84165-0250
 516512124 +Select Portfolio Servicing, Inc., 3217 S. Decker Lake Dr., Salt Lake City, Utah 84119-3284
 516512125 +Select Portfolio Servicing, Inc., 3217 S. Decker Lake Dr., Salt Lake City, Utah 84119,
 Select Portfolio Servicing, Inc., 3217 S. Decker Lake Dr., Salt Lake City, Utah 84119-3284
 516039289 Specialized Loan Servicing LLC, PO Box 10219, Atlanta, GA 30348
 516014039 +Specialized Loan Servicing LLC, PO Box 105219, Atlanta, GA 30348-5219
 515995674 +Specialized Loan Servicing LLC, Attn: President, 8742 Lucent Boulevard, Suite 300,
 Highlands Ranch, CO 80129-2386
 516014038 +Specialized Loan Servicing LLC, PO Box 636007, Littleton, CO 80163-6007
 515995675 #+The Law Firm of Ryan E. Calef & Associat, 1276 Veterans Highway, Suite E-1,
 The Bucks County Office Center, Bristol, PA 19007-2597
 516230799 +U.S. Bank National Association, Trustee (See 410), c/o Chase Records Center,
 Attn: Correspondence Mail, Mail Code LA4-5555, 700 Kansas Lane,
 Monroe, Louisiana 71203-4774
 516239102 +U.S. Bank National Association, Trustee (See 410), c/o Specialized Loan Servicing LLC,
 8742 Lucent Blvd, Suite 300, Highlands Ranch, Colorado 80129-2386
 516243907 U.S. Bank National Association, as trustee, c/o Select Portfolio Servicing, Inc.,
 P.O. Box 65250, Salt Lake City, UT 84165-0250
 515995677 +Verizon, Attn: Verizon Bankruptcy Administration, 500 Technology Dr Ste 550,
 Weddon Spring MO 63304-2225
 515995678 +Verizon Wireless Bankruptcy Admin, 500 Technology Dr., Ste 550, Weddon Spring MO 63304-2225

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
 smg E-mail/Text: usanj.njbankr@usdoj.gov Jul 12 2017 23:24:17 U.S. Attorney, 970 Broad St.,
 Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534

smg +E-mail/Text: ustpreion03.ne.ecf@usdoj.gov Jul 12 2017 23:24:12 United States Trustee,
 Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,
 Newark, NJ 07102-5235
 515995653 +E-mail/Text: lhs@thesaldanalawfirm.com Jul 12 2017 23:25:15 Companion Property & Casualty,
 c/o Saldana Law Firm, 116 Village Boulevard, Suite 200, Princeton, NJ 08540-5700
 515995658 +E-mail/Text: Bankruptcy.Consumer@dish.com Jul 12 2017 23:24:11 Dish Network, Dept 0063,
 Palatine, IL 60055-0001
 516243208 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Jul 12 2017 23:25:58
 Portfolio Recovery Associates, LLC, c/o Best Buy, POB 41067, Norfolk VA 23541
 515995676 +E-mail/Text: clientgmt@signatureperformance.com Jul 12 2017 23:25:23
 Tiburon Financial, LLC, P.O. Box 770, Boys Town, NE 68010-0770

District/off: 0312-2

User: admin
Form ID: pdf901

Page 2 of 2
Total Noticed: 47

Date Rcvd: Jul 12, 2017

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center (continued)

TOTAL: 6

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****
515995661* +FBCS, Inc., 2200 Byberry Road, Suite 120, Hatboro, PA 19040-3739
516039288* +Specialized Loan Servicing LLC, PO Box 636007, Littleton, CO 80163-6007
515995665 ##+Imperial Credit Systems, 125 N Parkside Dr, Suite 302, Colorado Springs, CO 80909-7025
TOTALS: 0, * 2, ## 1

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update. While the notice was still deliverable, the notice recipient was advised to update its address with the court immediately.

Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jul 14, 2017

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on July 11, 2017 at the address(es) listed below:

Denise E. Carlon on behalf of Creditor U.S. Bank National Association et al...
dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com
Jill Manzo on behalf of Creditor SELECT PORTFOLIO SERVICING, INC., as servicer for U.S. BANK
NATIONAL ASSOCIATION, AS TRUSTEE, SUCCESSOR IN INTEREST TO BANK OF AMERICA, NATIONAL ASSOCIATION
AS TRUSTEE SUCCESSOR BY MERGER TO LASALLE B bankruptcy@feinsuch.com
Marie-Ann Greenberg magecf@magtrustee.com
Michael G. Boyd on behalf of Debtor Maria Vilmar Batista michaelboydlaw@gmail.com
TOTAL: 4